

UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO SENTENCING MINUTE SHEET													
CR No: 19-2180 WJ				USA vs.: Tom									
Date: April 7, 2021				Name of Deft: Tavor Tom									
Before the Honorable: Chief District Judge William P. Johnson													
Time In/Out:		2:17pm – 3:00 pm				Total Time in Court (for JS10):				43 minutes			
Clerk:		R. Garcia				Court Reporter:				M. Loughran			
AUSA:		Joseph Spindle				Defendant's Counsel:				James C Loonam			
Sentencing in:		Albuquerque, NM				Interpreter:				N/A			
Probation Officer:		George Rodriguez				Interpreter Sworn?				<input type="checkbox"/> Yes		<input type="checkbox"/> No	
Convicted on:		<input checked="" type="checkbox"/> Plea	<input type="checkbox"/> Verdict	As to:		<input type="checkbox"/> Information		<input checked="" type="checkbox"/> Indictment					
If Plea:		<input checked="" type="checkbox"/> Accepted	<input type="checkbox"/> Not Accepted	Adjudged/Found Guilty on Counts:									
If Plea Agreement:		<input checked="" type="checkbox"/> Accepted	<input type="checkbox"/> Not Accepted	<input type="checkbox"/> No Plea Agreement		Comments:							
Date of Plea/Verdict:		11/24/2020		PSR: <input checked="" type="checkbox"/> Not Disputed		<input type="checkbox"/> Disputed		<input checked="" type="checkbox"/> Courts adopts PSR Findings					
Evidentiary Hrg:		<input checked="" type="checkbox"/> Not Needed	<input type="checkbox"/> Needed	Exceptions to PSR:									
<b>SENTENCE IMPOSED</b>				Imprisonment (BOP):		180 months							
Supervised Release:		3 years						Probation:					
REC	<input checked="" type="checkbox"/>	Strongly recommends 500-Hour Drug Program		BOP Sex Offender Program		Other:							
ICE	<input type="checkbox"/>	Court recommends ICE begin removal proceedings immediately or during service of sentence								<input type="checkbox"/> ICE not applicable			
<b>SPECIAL CONDITIONS OF SUPERVISION</b>													
<input type="checkbox"/> No re-entry without legal authorization				<input type="checkbox"/> Home confinement for _____ months _____ days									
<input type="checkbox"/> Comply with ICE laws and regulation				<input type="checkbox"/> Community service for _____ months _____ days									
<input checked="" type="checkbox"/> Submit to substance abuse testing not to exceed 60 test per year.				<input type="checkbox"/> Reside halfway house _____ months _____ days									
<input checked="" type="checkbox"/> Participate in/successfully complete mental health program				<input type="checkbox"/> Register as sex offender									
<input checked="" type="checkbox"/> Must not use/possess alcohol and submit to no more than 4 tests a day				<input type="checkbox"/> Participate in sex offender treatment program									
<input checked="" type="checkbox"/> Submit to search of person/property				<input type="checkbox"/> Possess no sexual material									
<input type="checkbox"/> No contact with victim(s) and/or co-defendant(s)				<input type="checkbox"/> No computer with access to online services									
<input type="checkbox"/> No entering or loitering near victim's residence				<input type="checkbox"/> No contact with children under 18 years									
<input type="checkbox"/> Provide financial information				<input type="checkbox"/> No volunteering where children supervised									
<input type="checkbox"/> Grant limited waiver of confidentiality				<input type="checkbox"/> Restricted from occupation with access to children									
<input checked="" type="checkbox"/> Must not knowingly use or possession of synthetic cannabinoids, etc.				<input type="checkbox"/> No loitering within 100 feet of school yards									
<input type="checkbox"/> No possession of a firearm, ammunition, destructive device or any other dangerous weapon				<input type="checkbox"/> Participate in an educational or vocational program approved by the Probation Officer									
1. Deft must participate in an outpatient substance abuse treatment program and follow the rules and regulations of that program 2. Deft shall waive your right of confidentiality and allow the treatment substance abuse and mental health providers to release treatment records to the probation officer and sign all necessary releases to enable the probation officer to monitor your progress OTHER: 3. Deft must reside in a residential reentry center for a term of (up to) 6 months.													
Fine: \$		0.00 (restitution and halfway house imposed)				Restitution: \$		Pursuant to the Mandatory Victim Restitution Act, it is further ordered that the defendant will make restitution to Erik Benally in the amount of \$4,077.78; State Farm in the amount of \$11,522.28; and the New Mexico Crime Victim's Reparation Commission in the amount of \$6,000.00; restitution shall be paid in months 200 or 10%					

			of monthly income; Court waives interest.
SPA: \$	100.00	Payment Schedule:	<input checked="" type="checkbox"/> Due Immediately <input type="checkbox"/> Waived
OTHER:			
	Advised of Right to Appeal	<input checked="" type="checkbox"/>	Waived Appeal Rights per Plea Agreement
<input checked="" type="checkbox"/>	Held in Custody		Voluntary Surrender
<input checked="" type="checkbox"/>	Recommended place(s) of incarceration: FCI facility in Arizona; preferably Tucson, AZ.		
	Dismissed Counts:		
<p>OTHER COMMENTS:</p> <p>The Court notes the Defendant waives his personal appearance and finds this video hearing to be in the interest of justice and public safety.  Mr. Loonam advises PSR reviewed with client; no objections/corrections.  Mr. Spindle notes victim's family members are present by Zoom and would like to address the Court.  Victim's family member addresses the Court.  Mr. Spindle addresses the Court; recommends a high end of the guideline range sentence.  Mr. Loonam addresses the Court; argues for variance to a term of 7 years.  Defendant addresses the Court.  Mr. Spindle responds.  Mr. Loonam replies.  The Court recites 3553 factors and finds a sentence that is sufficient, but not greater than necessary, is a sentence within the sentencing guideline range; imposes a term of 180 months</p>			